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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,782	10/02/2005	Ksenia Egorova	09600-00035-US	2178
23416	7590	01/03/2008	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ, LLP			WALICKA, MALGORZATA A	
P O BOX 2207			ART UNIT	PAPER NUMBER
WILMINGTON, DE 19899			1652	
MAIL DATE		DELIVERY MODE		
01/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/549,782	EGOROVA ET AL.
	Examiner	Art Unit
	Malgorzata A. Walicka	1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 18-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-13 and 18-25 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 3, 4-9, 11-12, 13, and claims 18-21, drawn to amidase of claim 1, its encoding DNA, and a method of use of said amidase for hydrolysis of amides.

Group II, claims 2 and 10, drawn to amidase that contains SEQ ID NO: 2 or a sequence that is homologous in more than 50% to SEQ ID NO:2.

Group III, claim(s) 22-25, drawn to a second method of use of the amidase of group I.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

1. The special technical features of Group I and II are different, because the special technical feature of group I is the enzyme amidase that is structurally different (i.e. it is a different product) from the enzyme amidase of Group II. In addition, the enzyme of Group II is not a contribution over prior art, because it is anticipated by the enzyme of D'Ambusco et al, Molecular and biochemical characterization of the recombinant amidase from hyperthermophilic archeon *Sulfolobus solfataricus*, *Extremophiles*, vol 5. nr. 3, June 2001, pages 183-192; see International Preliminary Examination Report.

2. The corresponding technical feature of Groups I and III is the same, and it is the amidase that contains an N-terminal sequence of SEQ ID NO: 2 or a sequence that is more than 50% homologous to SEQ ID NO: 2. Claims 18-25 are directed to two methods of use of the product of Group I. One method, i.e. claims 18-21, have been included into Group I. However, because 37 CFR 1.475 does not provide for multiple products or methods within single application, claims of the second method, i.e., claims 22-25 belong to a separate group III. There is lack of unity with regard of Group I and III.

For the reason indicated above the restriction is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malgorzata A. Walicka whose telephone number is (571) 272-0944. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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PONNATHAPUACHUTAMINUTHY
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER

Malgorzata A. Walicka, Ph.D.

Art Unit 1652

Patent Examiner